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C O N F I D E N T I A L KINSHASA 001476

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TAGS: [PGOV](#) [PHUM](#) [CG](#)

SUBJECT: ICC GEARING UP TO START ITURI INVESTIGATION

REF: KINSHASA 707

Classified By: Poloff Meghan Moore for Reasons 1.5 B and D

11. (C) Summary: During the International Criminal Court's (ICC) first official visit to the DRC, Deputy Prosecutor Serge Brammertz met with interested parties to open lines of communication, work on technical judicial issues, and learn more about the situation on the ground. Post welcomed Brammertz's open admission that his team is still getting up to speed, will work in a difficult political and logistical environment, and will have a profound impact on politics in the DRC. Most importantly, he seems to understand that initial ICC investigations need to be conducted in a manner that will not derail the transition. End Summary.

12. (C) The International Criminal Court (ICC) made its first official visit to the DRC from July 26-July 30. The delegation, led by Deputy Prosecutor Serge Brammertz, met with Kinshasa-based Congolese officials, MONUC and other UN agencies, local and international human rights groups, civil society, and diplomatic missions. During a July 30 courtesy call on the Charge, Brammertz said their mission was focused on meeting the relevant actors, coordinating technical legal issues with Congolese justice officials, and learning more about the situation on the ground. They were happy that their visit was warmly received by the Congolese people, but were surprised by the Congolese media's extreme interest and poor journalism. Brammertz confirmed that initial investigations would focus on the Ituri region, but said that the President's request was more general, and the ICC will look into other areas as necessary.

13. (C) The delegation stressed that they understood the DRC is a difficult and complex environment in which to work, both for logistical and political reasons. Brammertz said the ICC plans to conduct its work within the wider context of the peace process and will need to strike the right balance of ending criminal impunity while not jeopardizing the transition. In particular, he hopes that ICC's initial investigations, which will focus on abuses committed by actors outside the transition, such as the Ituri armed groups, will help bring the transitional government closer together. (Note: The ICC may only prosecute crimes committed since July 1, 2002 when the Rome Statute establishing the court entered into force. End note.).

14. (C) Operationally, the ICC is in the process of getting its DRC operations up and running and hammering out technical judicial issues, most notably how the ICC and the Congolese courts will work together (complementarity). The ICC plans to establish their local office as early as September, when they will start initial investigations. Going forward, Brammertz said their main challenges will be managing Congolese expectations, and developing objective criteria for establishing investigations.

15. (C) On August 3, a MONUC Poloff who works on Ituri commented to poloff that the delegation appeared to have relatively limited knowledge of Ituri. For example, she said they had not seen the widely available documentary, Congo's Killing Fields, did not know that a number of local and international groups have extensive photographic evidence of the atrocities, and were surprised by the wide-scale, de-centralized nature of the violence.

Comment

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16. (C) Post welcomed Brammertz's open admission that his team of 10-12 is still getting up to speed, will work in a difficult political and logistical environment, and will have a profound impact on politics in the DRC. Most importantly, he seems to understand that initial ICC investigations need to be conducted in a manner that will not derail the transition.

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